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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

MARGARET BROCK and ALFONZO A. BROCK,

Plaintiffs,

v.

DANETTE THOMAS; BYRON WHITE;
AMERICAN ONE MORTGAGE; LEONA HUDGINS; UNIQUE MANAGEMENT AND CONSULTING SERVICES, LLC; TRINITY INSURANCE, ABSTRACT AND TITLE AGENCY L.L.C.; SILVER BUCKMAN; FRESH START FINANCIAL SERVICES; CYNTHIA FOXWORTH; VINCENT FOXWORTH; JUAN ESCOBAR; ACCESS ABSTRACT CORPORATION; SUPERIOR MORTGAGE CORPORATION; WELLS FARGO BANK, N.A.; and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,

Defendants.

Federal Court Case No. _____

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1446 (Federal
Question)**

NOTICE OF REMOVAL

TO THE CLERK:

PLEASE TAKE NOTICE THAT DEFENDANT SUPERIOR MORTGAGE CORPORATION ("SMC"), by and through its undersigned counsel, hereby removes the state court action described below to the United States District Court for the Eastern District of Pennsylvania, which is the judicial district in which the state court action is pending. As grounds for removal, SMC states as follows:

1. On or about October 19, 2010, an action was commenced by praecipe to issue a writ of summons ("Summons") in the Court of Common Pleas of Philadelphia County of the State of

1 Pennsylvania, entitled *MARGARET BROCK and ALFONZO BROCK*, Plaintiffs, vs. *DANETTE*
2 *THOMAS, et al.*, docket number 091002480 (“State Action”). A copy of the Summons and all
3 other filings and orders served on SMC in the State Action are attached hereto as **Exhibit A**.

4 2. Plaintiff thereafter filed a complaint against the above captioned defendants on or about
5 January 19, 2010. See **Exhibit A**.

6 3. The Defendant first served with the complaint in the State Action was Wells Fargo
7 Bank, N.A. (“Wells Fargo”), which was served on January 19, 2010. A true and correct copy of the
8 State Action docket is attached hereto as **Exhibit B**.

9 4. This Notice of Removal is timely under 28 U.S.C. § 1446 in that it is filed within thirty
10 (30) days of the service of the Complaint on Wells Fargo.

11 5. All Defendants that have been served to date with Plaintiffs’ Complaint, including Wells
12 Fargo, have consented to this Removal, as evidenced by the Certifications filed herewith. True and
13 correct copies of the Certifications are attached hereto as **Exhibit C**.

14 6. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C.
15 § 1331 and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C.
16 § 1441(b) in that it is a civil action “arising under the Constitution, treaties or laws of the United
17 States” as revealed by Plaintiffs’ Count III in their Complaint referencing the Real Estate Procedure
18 Act (RESPA), 12 U.S.C. § 2602, paragraph 158 at 29.

19 7. In the above described Count III of Plaintiffs’ Complaint at page 29, Plaintiffs assert that
20 Superior Mortgage Corporation

21 violated RESPA by [...] Giving or accepting kickbacks or other
22 things of value in violation of 12 U.S.C. § 2607(a) and 24 C.F.R.
23 § 3500.14(c) [and] Giving a portion, split, or percentage of charges
24 made or received for the rendering of a real estate settlement
25 service in connection with a transaction involving a federally
related mortgage loan other than for services actually performed, in
violation of 12 U.S.C. § 2607(b) and 24 C.F.R. § 3500.14(c).

26 See **Exhibit A**, Complaint ¶ 163 at 30. Plaintiffs seek damages from SMC and the other
27 Defendants named in Count III, including “actual damages, in the amount of \$172,479....” *Id.* at
28 32.

1 8. Pursuant to 28 U.S.C. § 1441, the claims asserted by Plaintiffs may be properly removed
2 from the Court of Common Pleas of Philadelphia County of the State of Pennsylvania to this Court.

3 9. Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal includes a copy of all pleadings
4 and orders served on Defendants. See **Exhibit A**.

5 10. Written notice of the filing of this Notice of Removal will be given to Plaintiffs and all
6 other Defendants and a copy of this Notice of Removal will be filed with the clerk of the Court of
7 Common Pleas of Philadelphia County of the State of Pennsylvania pursuant to 28 U.S.C.
8 § 1446(d).

9 WHEREFORE, pursuant to 28 U.S.C. § 1441, *et. seq.*, Defendant SUPERIOR
10 MORTGAGE CORPORATION respectfully requests that the civil action now pending against it in
11 the Court of Common Pleas of Philadelphia County of the State of Pennsylvania, be removed to this
12 Court.

13 Respectfully submitted,

14 **ZARWIN BAUM DEVITO KAPLAN**
15 **SCHAER & TODDY, P.C.**

16
17 Dated: February 18, 2010

By: 

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